

LUKAS, NACE, GUTIERREZ & SACHS, LLP

8300 GREENSBORO DRIVE, SUITE 1200
MCLEAN, VIRGINIA 22102
703 584 8678 • 703 584 8696 FAX

WWW.FCCLAW.COM

RUSSELL D. LUKAS
DAVID L. NACE
THOMAS GUTIERREZ*
ELIZABETH R. SACHS*
DAVID A. LAFURIA
PAMELA L. GIST
TODD SLAMOWITZ*
TODD B. LANTOR*
STEVEN M. CHERNOFF*
KATHERINE PATSAS NEVITT*

CONSULTING ENGINEERS
ALI KUZEHKANANI
LEILA REZANAVAZ
—
OF COUNSEL
GEORGE L. LYON, JR.
LEONARD S. KOLSKY*
JOHN CIMKO*
J. K. HAGE III*
JOHN J. MCAVOY*
HON. GERALD S. MCGOWAN*
TAMARA DAVIS BROWN*
JEFFREY A. MITCHELL
ROBERT S. KOPPEL*

*NOT ADMITTED IN VA
Writer's Direct Dial
(703) 584-8660
rlukas@fcclaw.com

February 2, 2011

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
443 12th Street, S.W.
Washington, D.C. 20554

Re: NOTICE OF EX PARTE COMMUNICATION
Beehive Petition for Declaratory Ruling
WC Docket No. 10-36

Dear Ms. Dortch:

On February 1, 2011, I met with Albert Lewis and Lynne Hewitt Engledow of the Wireline Competition Bureau to discuss the petition for declaratory ruling filed by my clients, Beehive Telephone Co., Inc. and Beehive Telephone Co. Inc. Nevada.

At the meeting, I opined that the Commission's recent decision in *All American Telephone Co. v. AT&T Corp.*, FCC 11-5 (Jan. 20, 2011) is entirely consistent with the declaratory ruling that my clients seek. In particular, the *All American* decision confirmed, first, that § 208 of the Communications Act only authorizes the Commission to adjudicate claims that a carrier has somehow violated the Act itself and, second, that a failure to pay tariffed access charges does not constitute a violation of the Act.

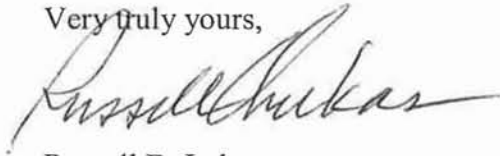
I asked that the Bureau dispose of Beehive's petition by issuing a letter ruling that effectively states that the Commission in *All American* confirmed that it is without jurisdiction, and will not adjudicate, a § 208 complaint filed by a carrier against its customer-carrier that either states a claim for the recovery of tariffed access charges or alleges that the customer violated § 201(b) of the Act by failing to pay such charges. That ruling should suffice to establish that the Commission was without jurisdiction to decide the informal § 208 complaint that my clients filed against Sprint Nextel Corporation in 2008.

This letter is being filed electronically pursuant to § 1.1206(b) of the Commission's rules.

Marlene H. Dortch
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Should any questions arise with regard to this matter, please direct them to me.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Russell D. Lukas". The signature is written in dark ink and is positioned above the printed name.

Russell D. Lukas

cc: Albert Lewis
Lynne Hewitt Engledow